

### Remarks

The non-final Office Action dated August 20, 2009, notes the following objections and rejections: the drawings and the specification are objected to; claims 1-10 stand rejected under 35 U.S.C. § 112(2); and claims 1-3 and 8-10 stand rejected under 35 U.S.C. § 102(b) over Ferraiolo (U.S. Patent Pub. 5,694,087). Claims 4-7 are noted as allowable if rewritten to overcome the rejection under 35 U.S.C. § 112(2). In the following discussion, Applicant does not acquiesce in any regard to averments in this Office Action.

Regarding the objection to the drawings, Applicant has provided replacement drawing sheets with the requested changes implemented. Therefore, Applicant requests that this objection be removed.

Regarding the objection to the Abstract, Applicant has provided the abstract of the disclosure on a separate page as requested. Therefore, the objection should be removed.

Applicant respectfully traverses the objection to the specification as Applicant prefers not to add section headings for consistency with the parent application. Such section headings are not statutorily required for filing a non-provisional patent application under 35 U.S.C. § 111(a). The guidelines at 37 CFR 1.51(d) are only suggestions for applicant's use and are not mandatory. When Rule 77 was amended in 1996, Bruce A. Lehman, Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, stated in the Official Gazette: "Section 1.77 is permissive rather than mandatory. ... 1.77 merely expresses the Office's preference for the arrangement of the application elements. The Office may advise an applicant that the application does not comply with the format set forth in 1.77, and suggest this format for the applicant's consideration; however, the Office will not require any application to comply with the format set forth in 1.77." See 61 FR 42790, Aug. 19, 1996.

Applicant traverses the § 112(2) rejection of claims 1-10 and submits that the alleged antecedent issue is merely objectionable at best, because these claims do particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In this instance, the Examiner has improperly equated breadth of the claims with indefiniteness. *See, e.g.*, M.P.E.P. § 2173.04 ("Breadth of a claim is not to be equated with indefiniteness."). Notwithstanding, Applicant has amended claim 1 in a manner that removes this issue.

Applicant appreciates the Examiner's indication that claims 4-7 would be allowable. Applicant submits that all the claims are allowable. For example, the '087 reference has no corresponding means (§ 112(6)) and certainly teaches nothing related to stabilizing the output frequency as claimed (before or after entering this amendment). *See, e.g.*, discussion of the set/reset latch 3 and subtractor circuit 4 in the '087 reference at Col. 2:18-22, 28-37.

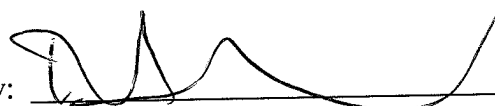
New claims 11-13 are patentably distinct, because they are largely based on the subject matter of claims 1 and 4 and/or the discussion in the sixth paragraph of Applicant's specification.

In view of the above, Applicant believes that each of the rejections is improper and should be withdrawn and that the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Juergen Krause-Polstorff, of NXP Corporation at (408) 474-9062 (or the undersigned).

*Please direct all correspondence to:*

Corporate Patent Counsel  
NXP Intellectual Property & Standards  
1109 McKay Drive; Mail Stop SJ41  
San Jose, CA 95131

CUSTOMER NO. 65913

By:   
Name: Robert J. Crawford  
Reg. No.: 32,122  
651-686-6633  
(NXPS.646PA)

Attachment: Three Replacement Drawing Sheets